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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,471	12/08/2003	Michael Kaiser	600.1290	2875
23280 7590 06/25/2008 Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018				
EXAMINER ZIMMERMAN, TOSHUA D				
ART UNIT		PAPER NUMBER		
2854				
MAIL DATE		DELIVERY MODE		
06/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,471

Applicant(s)

KAISER ET AL.

Examiner

JOSHUA D. ZIMMERMAN

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03/17/08 & 12/08/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings were received on 03/17/08. These drawings are accepted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' Admitted Prior Art (AAPA) in view of Robotham et al. (US 20020015042).

Regarding claim 1, AAPA teaches "a method for digital imaging of a printing form through application of energy (paragraph 0002 of applicants' specification), the printing form having a burn-off area detachably fixed by supporting points in the burn-off area (paragraph 0006), the supporting points being left in place on the printing form through non-imaging of image spots (paragraphs 0006 and 0008), the method comprising the steps of:

leaving in place at least one of the supporting points in at least one reference point (paragraph 0008); and

detaching burn-off from the burn-off area from the printing form in a cleaning step (paragraph 0005)."

AAPA fails to teach that the supporting points are left in place in at least one reference point "if a number of image spots to be imaged in a surrounding area of the reference point exceeds a limit value and a boundary area in the surrounding area around the reference point contains only image spots to be imaged." However, AAPA teaches that the number of supporting points is a results-effective variable, affecting the uncontrolled complete detachment of areas, and should be kept as low as possible (last two sentences of paragraph 0008).

Robotham et al. teach that well-known loss-less image compression techniques can be used to reduce the amount of data associated with a bitmap representation without affecting the viewing characteristics of the bitmap image (paragraph 186).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art, to apply a loss-less image compression technique to the bit map image data of AAPA in order to reduce number of supporting points.

It is noted that limit values, and selection of a limit value, are inherent in the techniques suggested by Robotham et al.

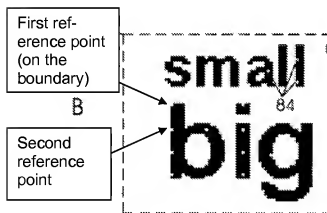
Regarding claim 2, Robotham et al. further teach "wherein the number of image spots to be imaged in a surrounding area of a reference point is determined in an analysis of the image data represented in digital form as a bit field (paragraph 186)."

Regarding claim 3, "a calibration step prior to the leaving in place step wherein a geometric shape and extent of the surrounding area and/or the limit value and/or the geometric shape and extent of the boundary area and/or the distance from a first

reference point to a second reference point of the at least one reference point is determined" is an inherent process step of the techniques described by Robotham et al.

Regarding claim 4, AAPA further teaches "wherein the at least one reference point includes a plurality of reference points distributed in a uniform grid over a printing area of the printing form (see figure 5B)."

Regarding claim 5, AAPA further teaches "wherein the distance from a first reference point to a second reference point of the at least one reference point matches an extent of the boundary area (see the marked area of figure 5 below)."



Regarding claim 6, AAPA as modified discloses "a system for digital imaging of printing forms in a method as recited in claim 1 (paragraph 0005), the system comprising:

an energy source (last sentence of paragraph 0003),

a cleaning unit (paragraph 0005, line 4),

a control unit (an inherent feature of the system disclosed in paragraph 0005),

and

an image processing unit with a computing unit, wherein in the computing unit of the image processing unit a program is executable (an inherent property of the image processing unit described in paragraph 0008), the program having at least one executable step determining whether the limit value has been exceeded at a number of positions in a bit field representing the image data in digital form, the positions corresponding to the reference points (this limitation is an inherent feature of the techniques used by Robotham et al., which are used to modify AAPA)."

Regarding claim 7, AAPA further discloses "wherein the image processing unit includes a raster image processor (this is an inherent feature of the digital processing described in the first sentence of paragraph 0008) and a data buffer for the image data represented in digital form as a bit field (first sentence of paragraph 0008)."

Regarding claim 8, Robotham et al. disclose "wherein the program has at least one executable step for modifying the bit field in at least one area at the positions at which the limit value is exceeded (this is an inherent step of the techniques used by Robotham et al.)."

Regarding claim 9, AAPA further discloses "a printing unit comprising a system for imaging as recited in claim 6 (first line of paragraph 0005)."

Regarding claim 10, AAPA further discloses "a printing press comprising a printing unit as recited in claim 9 (first sentence of paragraph 0005)."

Response to Arguments

3. Applicants' arguments filed 03/17/08 have been fully considered but they are not persuasive.

4. In response to applicants' argument that Robotham et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Robotham et al. deal with a representing a bit map image by only a few points, which is essentially what applicants are doing by leaving only certain image points represented in the printing plate.
5. Applicants argue that neither AAPA or Robotham et al. teach "leaving in place at least one of the supporting points in at least one reference point if a number of image spots to be imaged in a surrounding area of the reference point exceeds a limit value and a boundary area in the surrounding area around the reference point contains only image spots to be imaged." The limitation of leaving in place at least one of the supporting points is met by AAPA (as seen in the figure 5 and in paragraph 8). The remaining limitation is inherently met by the 'loss-less' image compression technique which is used to reduce the amount of data associated with a bitmap representation without affecting the viewing characteristics of the bitmap image.
6. Lastly, applicants' argument that Robotham et al. are not related to plate imaging is irrelevant because, as admitted by applicants, Robotham et al. are concerned with image compression, which is what applicants are inherently doing by reducing an image to fewer representative points. Therefore, Robotham et al. are still deemed to be relevant to applicants' invention.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. ZIMMERMAN whose telephone number is (571)272-2749. The examiner can normally be reached on M-R 8:30A - 6:00P, Alternate Fridays 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua D Zimmerman
Examiner
Art Unit 2854

jdz

/Leslie J. Evanisko/
Primary Examiner, Art Unit 2854